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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,579	07/30/2001	Masato Kudo	046982-0119	9539

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FOLEY AND LARDNER
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3000 K STREET NW
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EXAMINER

HO, ANDY

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,579

Applicant(s)

KUDO ET AL.

Examiner

Andy Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the application filed 7/30/2001.
2. Claims 1-18 have been examined and are pending in the application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following terms lack antecedent basis:

- (i) the user (line 9 claim 1). Correction is required.
- (ii) the user in question (line 7 claim 8). Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-4 and 6-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Yonemitsu U.S Patent No. 6,856,962.

As to claim 1, Yonemitsu teaches a schedule information system (Fig. 1) comprising:

schedule data storage in which users schedule data are stored (schedule data storage unit 106, Fig. 1);

information service for providing users with information (information being provided to the user from the server via network, lines 41-42 column 2);

and related service search that searches information service that relate to schedule data stored in the schedule data storage (...an unoccupied time search unit for accepting an unoccupied time search request for a schedule and determining whether the time zone of the schedule is rendered an occupied time or not based on the schedule state of the schedule data existing in the schedule data table and the definition data, and when determining that the time zone of the schedule is rendered an occupied time, displaying an unoccupied time by removing the time zone of the schedule from the unoccupied time..., lines 58-67 column 1);

wherein the related service search includes, in response to user instructions to search related services or to consult schedule data, acquires information from information service that relate to schedule data, and outputs this information to the user (...function of searching for an unoccupied time, and upon receipt of an unoccupied time search request, the search result is displayed in accordance with the definition..., lines 44-48 column 3).

As to claim 2, Yonemitsu further teaches information service data storage in which information summarizing the information service is stored (definition data storage unit 107, Fig. 1); wherein

the related service search includes searches the information service data storage in response to user instructions or control; and outputting to the user, along with the schedule data, information from the information service that have been searched (...function of searching for an unoccupied time, and upon receipt of an unoccupied time search request, the search result is displayed in accordance with the definition..., lines 44-48 column 3).

As to claim 3, Yonemitsu further teaches the information service data storage includes storing information relating to the access address and access procedure for the information service (lines 43-53 column 2); and connecting to the information service on the basis of the access address and procedure information that have been retrieved by the related service search (connection of schedule data operating unit 108 and units 106, 107 and 109, Fig. 1).

As to claim 4, Yonemitsu further teaches receiving schedule data related information from an information service to which a connection has been established, and for outputting the received information along with the schedule data (...function of searching for an unoccupied time, and upon receipt of an unoccupied time search request, the search result is displayed in accordance with the definition..., lines 44-48 column 3).

As to claim 6, Yonemitsu further teaches personal information storage for storing personal information relating to users (schedule data storage unit storing information about users, lines 7-10 column 3); wherein the related service search uses this personal information along with the schedule data to search the information service data storage (...searching for an unoccupied time relating to a particular user..., lines 7-47 column 6).

As to claim 7, Yonemitsu further teaches user preferences extraction for extracting information inferred - on the basis of schedule data input by a user or information relating to information service means provided by a user - to be of interest to the user, and for using the extracted information as part of the personal information (the system uses the input information of a particular user to search for unoccupied time relating to that user, lines 7-47 column 6).

As to claim 8, Yonemitsu further teaches acquiring information relating to the personal information by connecting to an information service found by the related service search on the basis of the personal information (...searching for an unoccupied time relating to a particular user..., lines 7-47 column 6), and for storing this information in the user schedule data storage as part of the schedule data of the user (lines 43-53 column 2).

As to claim 9, Yonemitsu further teaches the information service data storage is provided with information service data registration whereby the user can register information (user registers schedule data with the schedule management system, lines 16-26 column 3).

As to claim 10, Yonemitsu further teaches information service data acquisition for searching, on the basis of the personal information stored in the personal information storage, information service that are in conformity with this personal information (the system uses the input information of a particular user to search for unoccupied time relating to that user, lines 7-47 column 6); and for storing this information from the searched information service (lines 43-53 column 2).

As to claim 11, Yonemitsu further teaches when there is information to be registered as schedule data with the schedule data storage, requests transmission of the schedule data to the schedule data storage (user registers schedule data with the schedule management system, lines 16-26 column 3); and data transmit/receive for receiving this schedule data, retrieving information congruent with the received schedule data, and transmitting the acquired information (...function of searching for an unoccupied time, and upon receipt of an unoccupied time search request, the search result is displayed in accordance with the definition..., lines 44-48 column 3).

As to claim 12, Yonemitsu further teaches display for presenting the user with information acquired from an information service (user system displays information from the server, lines 41-42 column 2); generating and displaying the animated character images along with the acquired information (tables contain user information, Figs. 2-3, 5-6 and 8).

As to claim 13, Yonemitsu further teaches selecting a display scenario that is appropriate for the schedule data (display unoccupied time of a particular user, lines 7-53 column 6); and in accordance with the movement pattern obtained by this display

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scenario selection, displays the animated character images and outputs what the character says (tables contain user information, Figs. 2-3, 5-6 and 8).

As to claim 14, it is a system claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above. Yonemitsu further teaches client terminals are connected to a server via a network (clients 102s connect to server 103 via network 110, Fig. 1).

As to claim 15, Yonemitsu further teaches information service data storage contains Internet location information as the address information (TCP/IP protocol, lines 1-15 column 3) for accessing the information service.

As to claims 16-17, they are system claims of claims 14-15. Therefore, they are rejected for the same reasons as claims 14-15 above.

As to claim 18, Yonemitsu further teaches storage medium (memory, line 57 column 2) in which software has been stored, and an information processing unit (CPU, line 56 column 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yonemitsu in view of Van Horne U.S Patent No. 6,625,645.

As to claim 5, Yonemitsu as disclosed above does not explicitly teach a billing storage. Van Horne teaches a system of clients using service from a server wherein the server stores clients' billing information for account charging purpose (lines 38-65 column 4). It would have been obvious to apply the teachings of Van Horne to the system of Yonemitsu because by storing clients' billing information, the server could charge the clients for the service that they used as disclosed by Van Horne (lines 38-65 column 4).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Any response to this action should be mailed to:

Commissioner for Patents

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P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 872 - 9306.
- OFFICAL faxes must be signed and sent to (703) 872 - 9306.
- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

AH
February 25, 2005


MENG-AL. AN
SUPERVISORY PATENT EXAMINER
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